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 Reply

 Forward



Regulation of The Witness and Victim Protection Agency in Managing Representative Safe Houses

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ABSTRACT

The state is obliged to protect victims of sexual violence, especially those who are most vulnerable, and this obligation is also a fundamental right of victims. One of these rights is access to temporary housing, often called a safe house, provided by LPSK. However, the governance of safe house management in the regions is not optimal, especially in the relationship between institutions at the center and regions and the representation of institutions in the regions, so it is not optimal in guaranteeing victims' rights. The urgency of this study is to analyze the LPSK policy in managing safe houses throughout Indonesia, the various challenges of institutional relations, and the distribution of representative safe houses in the regions. This study uses doctrinal research with analytical-descriptive specifications and utilizes secondary data. The legislative approach is used to examine laws and regulations on protecting victims of violence and developing LPSK institutions. The conceptual approach analyzes the concept and theory of state institutions, authority, and victim protection. This study shows that legal protection for victims of sexual violence to fulfill the right to a safe house by LPSK does not yet have integrated cooperation with the regional office managing the safe house. Cooperation is actually carried out with other institutions. The implementation of LPSK protection for victims of sexual violence has experienced institutional problems that have affected the formation of LPSK representatives at the regional level and coordination between regional institutions, which is exacerbated by the lack of quantity and quality of human resources available.

Keywords: House; Protection; Safe; Witness; Victim.

I. INTRODUCTION

The rule of law is a state philosophy or state ideal (*staatsidee*) (Juanda & Juanda, 2023). According to Plato, a state of law is characterized by good governance. The meaning of the rule of law is related to the theory of the

sovereignty of law, that the law holds the highest power (Handoyo, 2009). The objectives of Indonesian law cannot be separated from the values and philosophy of life of Pancasila, which are the basis of people's lives and lead to justice (Sidharta, 2000). The justice in question is substantive justice as contained in progressive law. Progressive law argues that laws and institutions must achieve substantive justice; regardless of how effective and orderly the law is, it must be changed or eliminated if it is unjust.

Therefore, the law must contain the value of justice for everyone. Indonesia adheres to the concept of a welfare state, which is known as a welfare state (Elviandri, 2019) (Sumarto, 2017). This means that the state is responsible for guaranteeing and maintaining its citizens' welfare (Sukmana, 2017). One way to achieve this goal is to accommodate the content of human rights in the 1945 Constitution of the Republic of Indonesia. Human Rights Law also states the guarantee of human rights. In that regulation, the rights protected relate to the right to life, the right to obtain justice, the right to security, the right to welfare, women's rights, and other rights (Lima & Gomez, 2020). Legal protection is stipulated in writing or unwritten, preventive (prevention) or repressive (coercion), so there is a guarantee from the state to the legal subject to enforce the law (Rofingi et al., 2022).

The rights of victims of sexual violence are one of the fulfillment of rights that must be guaranteed by the government. Sexual violence is an act of harassing the body and even a person's reproductive function so that the victim suffers psychologically and physically due to the imbalance of power relations and/or gender (Yudha et al., 2018). Based on existing facts, victims of sexual violence are dominated by women compared to men. This is based on data from the Ministry of Women's Empowerment. During 2022, there were 27,589 cases of violence, consisting of 4,634 male victims and 25,050 female victims. The

types of violence experienced by victims include physical violence in as many as 9,545 cases, psychological violence in 9,021 cases, and sexual violence in as many as 11,682 cases.

Violence against women is caused by male superiority over women based on a value system. Therefore, sexual violence is a crime that must be addressed immediately through prevention and handling as a concrete step to fulfill the rights of victims. Most victims of sexual violence are reluctant to report because of fear and the emergence of negative labels obtained if the perpetrator is a close family member of the victim. In addition to this, the deputy chair of the National Commission on Violence Against Women said that victims of sexual violence do not report because of access from related service institutions. Obstacles regarding access to services include long distances, institutional changes, technical errors, and imperfect data collection patterns (Noviani et al., 2018). Thus, to fulfill the rights of victims of sexual violence, the state needs to build a law that sides with the victims.

Sexual violence has an impact on the physical and psychological health of its victims, causing posttraumatic stress disorder, depression, anxiety, and others to the victims. They are in dire need of post-traumatic stress services, social support, and religiosity/spirituality to recover (Fayaz, 2024). Such health suffering can undoubtedly affect the economy, both in terms of the victim's ability to work and the assets that must be spent on physical and mental rehabilitation. Conti's research states that individuals who survive cases that befall victims often experience lower levels of educational attainment and a greater likelihood of involvement with the legal and justice system later in life (Conti et al., 2021). On the other hand, the law in Indonesia has not been able to accommodate the interests of victims because the Criminal Code and various

other legal regulations have not been able to fulfill the rights of victims holistically.

Currently, the regulation concerning sexual violence in Indonesia is the Sexual Violence Crime Act. (Nursiti et al., 2023). The authority to protect victims of sexual violence lies with the Witness and Victim Protection Agency (LPSK). The establishment of LPSK is based on the Protection of Witnesses and Victims Law, amended in 2014. Concretely, in society, the rights of victims of sexual violence that need to be realized are to obtain temporary housing. Safe houses are temporary shelters for victims of violence, threats, or risky situations, which are called safe houses. A safe house is a temporary or new residence that is kept secret according to the standards determined by LPSK. Safe houses can be used as new homes for victims because it is not uncommon for victims and witnesses to receive threats and feel unsafe so that they do not have a safe place to live.

Moreover, the state as a protector must be able to facilitate victims of violence, one of which is in the form of a safe house (Hidayat & Liauw, 2021). The existence of safe houses can be used as a means of shelter for vulnerable groups such as women and children who are victims of crime (Ashady & Hasan, 2021). Therefore, safe houses are significant. Safe houses are adjusted based on the criteria of the high threat received by the victim. This is stated in Article 5, paragraph (1) letter k of the Witness and Victim Protection Act. To obtain protection in a safe house, the victim must apply LPSK (Satrio & Faisal, 2021). However, in its implementation, LPSK has difficulty reaching areas quite far from the center. LPSK's limitations in providing safe house services are partly due to the hampered establishment of LPSK representative offices in the regions. This affects the overall protection service, especially safe house access, because service access is unavailable in all areas.

On the other hand, safe houses in the regions are carried out by the Integrated Service Center for the Empowerment of Women and Children (P2TP2A), based on the Regulation of the Minister of Women's Empowerment and Child Protection concerning the System of Women's Empowerment and Child Protection. P2TP2A is under the regional work unit or other units that handle women's empowerment and child protection. P2TP2A is a Ministry of Women's Empowerment and Child Protection program. The presence of P2TP2A is to meet the needs in the fields of education, economy, health, politics, law, protection, and overcoming violence against women and children.

In terms of authority, in cases of violence against women and children, P2TP2A can coordinate with LPSK to provide additional protection for victims involved in the legal process or those who need further protection. However, the two institutions have different authority specifications. P2TP2A only focuses on the protection of children and women. While LPSK has broader authority for victims and witnesses, it is not limited to protecting children and women. Moreover, P2TP2A does not explicitly handle victims and witnesses of legal cases. Therefore, the existence of P2TP2A in the regions cannot solve the problem of LPSK representation. The lack of institutional representation in the regions affects the quality of easy and efficient services. Likewise, regarding resources in the institution, the number of human resources serving is not as high as if each region had its representatives.

Considering the institutional problems above, this study is essential to determine the weaknesses of LPSK governance arrangements and its implementation challenges. This study provides an overview for improving LPSK governance in guaranteeing witnesses and victims, especially in this study for children and women. This is because legal protection is a right that the state must easily access. Victims in the context of sexual violence cases can

experience physical impacts and mental trauma. Meanwhile, witnesses play an essential role in providing and revealing facts that can be used as evidence to support investigations and prove cases (Damendra et al., 2024). Both require maximum protection by the institution. LPSK not only provides procedural rights but strives to provide optimal services to those protected or recipients of LPSK services so they are willing to testify during the trial process. Being involved in cases of violence, either as victims or witnesses, causes trauma for themselves and their families (Berdida & Grande, 2025).

This study distinguishes itself from previous research by the findings of a review of several studies that closely resemble this one. The author can compare several studies with this study. Some of these studies include research conducted by (Komariah, 2015), which discusses the mechanism of witness and victim protection and the performance of LPSK itself. Another research was conducted by (Roslaili & T., 2022), which discusses the existence of a safe house from the viewpoint of *maqasid al-shariah*, specifically as an aspect of *dharuriyyah*, which holds significant importance in Islam. Moreover, the research conducted by (Soares & Setyawan, 2023) examined that sexual harassment cannot be prosecuted because the law in Indonesia is not perfect.

The increase in cases of sexual violence against children and women is increasing. Data from the Ministry of Women's Empowerment and Child Protection states that in 2024, sexual violence against children reached 7,623 cases. Meanwhile, records as of 2025 showed that there were 2,459 cases of female victims. This is not comparable to the representation of LPSK—safe houses in the regions. As a result, witness and victim protection is not provided properly. Thus, the representation of LPSK in the regions and the clarity of its institutional relationships are serious problems.

This study discusses the regulation of LPSK in providing protection and managing safe houses, considering the large number of victims, especially victims of sexual violence, who do not get a safe shelter from various threats and other dangerous possibilities. Based on these multiple things, it is necessary to study the policies provided by LPSK regarding the management of safe houses in Indonesia and the obstacles in implementing LPSK's authority in managing these safe houses.

II. RESEARCH METHODS

This doctrinal research seeks library materials through laws and regulations and literature (Mamudji, 2001) related to LPSK policies in managing safe houses in Indonesia, especially in the institutional relations between the central and regional governments related to LPSK management. This research uses a statutory approach to see legal issues at the regulatory level. In addition, a conceptual approach is also used, which is intended to identify good institutional concepts to resolve various problems of LPSK institutional relations (Marzuki, 2012).

The research data used are secondary data consisting of primary legal materials, including the 1945 Constitution of the Republic of Indonesia; Human Rights Law; Law on the Protection of Witnesses and Victims; Sexual Violence Crimes; and Ministerial Regulations on the Women's Empowerment System and Child Protection. These legal materials are supported by secondary legal materials in the form of books, journals, and other scientific studies related to LPSK's authority in implementing safe house management. Relevant data and cases of protection of victims of violence are also presented in this study as supporting data, stating that this study is urgently needed to resolve institutional issues in LPSK. This study uses analytical descriptive

specifications to provide an overview of the implementation of provisions of laws and regulations based on applicable legal requirements so that analysis can be carried out in the decision-making process (Chui & McConville, 2017). To conclude, this study will use deductive logic.

III. RESEARCH RESULTS AND ANALYSIS

A. LPSK Policy in Managing Safe Houses Enfolding All Regions

According to data from the National Commission on Violence Against Women, its 15 years of monitoring (1998–2013) identified fifteen types of sexual violence. These include rape, sexual intimidation (such as threats or attempted rape), sexual harassment, sexual exploitation, trafficking of women for sexual purposes, forced prostitution, sexual slavery, forced marriage (including practices like divorce by hanging), forced pregnancy, forced abortion, forced contraception and sterilization, sexual torture, inhumane or sexually charged punishments, harmful traditional practices with sexual elements that put women at risk or discriminate against them, and sexual control (including through discriminatory moral and religious rules). Therefore, sexual violence in Indonesia is currently very concerning. Sexual violence has even entered public spaces, one of which is school and workplace (Nurbayani et al., 2022).

The increasing cases of sexual violence crimes and the importance of protecting human rights in society are among the reasons for the issuance of the Witness and Victim Protection Act. This regulation regulates the LPSK, which is independent and functions to protect witnesses and victims. The duties and authorities of the LPSK are spread out in the Witness and Victim Protection Act, which is regulated in Articles 7, 29, 32, 33, 34, and 39. The authority of the LPSK includes receiving, providing, and stopping witness and/or victim protection programs, even submitting to court based on the wishes of the victim, and in

addition, receiving requests for assistance from victims/representatives and determining the amount of costs. The LPSK also cooperates with relevant agencies that have the authority to implement the provision of protection and assistance (Rosidi et al., 2023).

Prior to the Witness and Victim Protection Act, there were no specific regulations governing the protection of witnesses and victims within the criminal justice process. Articles 50 to 68 of the Criminal Procedure Code only addressed protection for suspects or defendants against potential human rights violations. The protection of sexual violence victims must now be based on the Witness and Victim Protection Act, which emphasizes respect for dignity, security, justice, non-discrimination, and legal certainty—whether the threats affect individuals, groups, or society at large.

The right to feel safe and protected from threats, whether to act or refrain from acting, is guaranteed under Article 28G, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This article ensures that everyone has the right to personal, family, honor, and property protection from any threat. As such, the state is obligated to uphold the rights of victims of sexual violence. Sexual violence has serious consequences for the victim's physical, mental, and psychological well-being. The physical effects may include injuries, sleep and eating difficulties, unwanted pregnancies, sexually transmitted infections, and more. Emotional impacts often involve guilt, self-blame, shame, denial, and other distressing feelings (Sujadi et al., 2023), because sexual violence occurs when people are subjected to unwanted sexual comments, sexual gestures, or sexual acts (Burn, 2018). It is conceptualized as a discrete of negative sexual experiences whose severity varies, relying on a variety of determinants (Johansson & Magnusson, 2024).

Punishment for perpetrators of sexual violence has been carried out, but efforts to fulfill the rights of victims have not been fully realized. Based on data from the National Commission on Violence Against Women's Annual Report in 2023, the number of cases of sexual violence reported to the National Commission on Violence Against Women was 2,078 cases. This number is 24.69% of the total types of violence reported, namely: psychological violence around 3,498 cases (41.55%), physical violence as many as 2,081 cases (24.71%), economic violence there were 762 cases (9.05%). Meanwhile, based on data from the Ministry of Women and Children as of January 2024, the number of cases of violence against women was 21,828 cases, with 18,934 female victims, of which 10,068 cases were cases of sexual violence.

The data shows the increasing number of cases of sexual violence that occur in society. However, the data cannot provide information on the correlation between the protection offered by the National Commission on Violence Against Women and the protection data provided by the LPSK. Neither are institutions with institutional links. The National Commission on Violence Against Women is an independent state institution that Presidential Regulation established as a national mechanism to eliminate violence against women LPSK. At the same time, LPSK is a non-structural institution established to implement the Protection of Witnesses and Victims Act, providing protection and assistance to witnesses and victims (Fevernova & Firmansyah, 2023).

Also, there are significantly different figures regarding the number of sexual violence cases recorded by the National Commission on Violence Against Women, which is around 10,000 cases, and with various forms of protection services. According to data from LPSK, the number of sexual violence cases reported to LPSK increased in 2022 compared to 2021. The number of protected persons in sexual violence cases increased by 793 from

2021, which was 547. Meanwhile, in 2023, the total number of victims protected by LPSK is 8.162 cases, with 1114 protected persons from sexual violence cases, with 489 instances carried on from 2022. Moreover, there were 56 protected instances of child sexual violence, with 24 cases carried on from 2022.

However, this data also needs to be criticized because, in the 2023 LPSK Report, the number of applicants for sexual violence protection was 214. Still, the protected data for 2023—without any carry-on from the previous year, was 625. This means that there are around 400 cases that are not recorded in the application but appear in the protected data. Meanwhile, data on applicants for child sexual violence protection totaled 973 cases, and only 32 cases were protected.

Based on LPSK data, the protected victims have been provided with services with the following details:

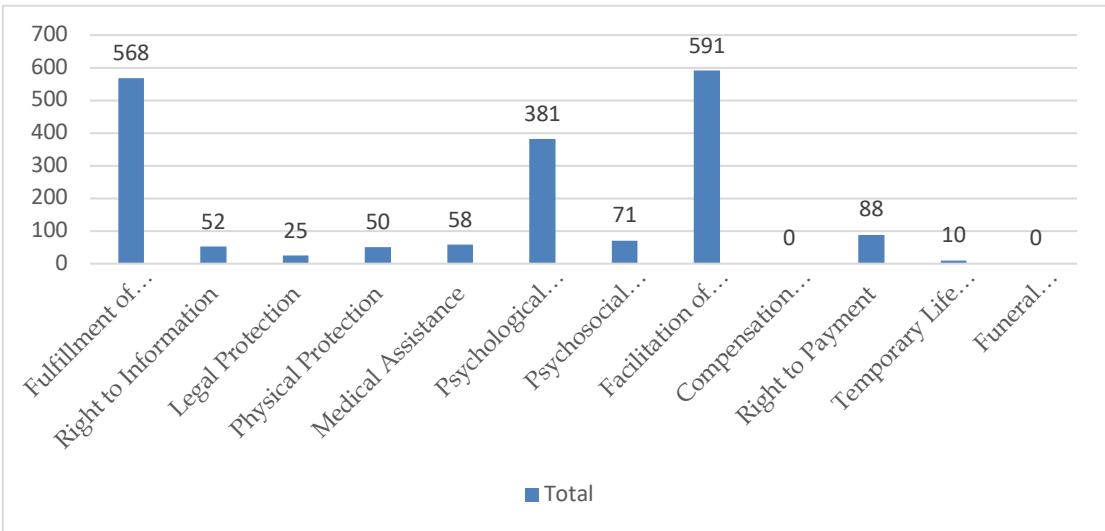


Chart 1. Protection Program in Criminal Acts of Sexual Violence in 2023

This shows that the state's efforts to fulfill the rights of victims, whether in the form of protection, advancement, enforcement, and fulfillment of human rights, have not been maximized, including protection for victims of sexual violence. One form of protection for victims of sexual violence is to obtain a safe

place. Safe houses are often used in law enforcement and security so that someone who does not want to be known by certain parties or is in a dangerous situation/state is hidden in a safe location/place (Roslaili & T., 2022). Safe houses ensure that witnesses and reporters are not intimidated when giving testimony (Ratri & Wahyudi, 2024).

LPSK should provide physical protection by providing safe houses for victims of sexual violence. There are two types of safe houses based on their operational location. These types are first, permanent safe houses (static so that they remain in one particular area), which are managed by the witness and victim protection program and occupy a permanent/settled location in one place; second, mobile safe houses (moving), which can be located anywhere that is not generally known, which are managed by witness and victim protection officers who always move within a certain period according to the security needs of witnesses and victims (Rahmi & Siregar, 2020).

The provisions related to safe houses are regulated in Article 5, paragraph (1) letter k of the Witness and Victim Protection Act, which states that witnesses and victims have the right to receive temporary housing (safe houses). Safe houses are more selective due to the particular form of protection operations. Therefore, safe houses are used for critical witnesses or victims who certain parties, including the family of the protected person, seriously threaten. The location of the safe house is kept secret for the safety of the protected person. Based on an interview conducted with the Young Expert Legal Analyst of the LPSK Witness and Victim Rights Fulfillment Bureau, it was stated that the LPSK's authority to manage safe houses, in its implementation, has not yet had any cooperation with the safe house management service in the region, which in cases of sexual violence is the women's and children's empowerment service. LPSK has collaborated only with related agencies such as the police so far. The

existence of LPSK safe houses is said in its form, and then the implementation of its protection, procedures, and evaluation is complete (Rahmi & Siregar, 2020).

To qualify for protection from the LPSK Safe House under the Witness and Victim Protection Act, witnesses and victims must fulfill specific procedures and requirements. These include criteria related to the testimonies of witnesses and/or victims, statements from perpetrators' witnesses, reporters, and experts. As stated in Article 28 of the Witness and Victim Protection Act, the requirements consider the importance of the statements made by the witness and/or victim, the degree of threat they face, evaluations by medical or psychological professionals, and the criminal background of the witness and/or victim.

As for the witness of the perpetrators, it is regulated in Article 28 paragraph (2): The criminal offense to be revealed is a criminal offense in a particular case by the LPSK decision as referred to in Article 5 paragraph (2); the importance of the information given by the witness of the perpetrators in uncovering a crime; not as the leading actor in the crime he revealed; willingness to return assets obtained from criminal offenses committed and stated in a written statement; and there is a real threat or concern about the occurrence of threats, physical or psychological pressure to witnesses of the perpetrators or their families if the crime is revealed according to the actual situation. The reporter or expert is also given protection based on Article 28 paragraph (3) with the condition: the importance of the reporter and expert information and the level of threat that endangers reporters and experts.

Witnesses and victims who have fulfilled the requirements can obtain protection with the procedures stipulated in Article 29. The protection mechanism starts from the LPSK decisions that have been issued. Furthermore,

the protected people are required to sign the agreement made by the LPSK and must obey all forms of the rules that have been signed. The contract and requirements that must be signed contain several things, when giving testimony in the judicial process; willing to obey the rules for his safety, not related to any with others during the protection of LPSK; did not tell anyone that he was under the protection of LPSK; and other things that are considered necessary by LPSK.

LPSK also has an emergency protection mechanism, a form of protection immediately given after the application, based on Article 8 paragraph (1) amendments to the Witness and Victim Protection Act. For example, in 2022, LPSK provided emergency protection to 43 witnesses and victims due to cases of sexual violence against children. In addition, the same year, LPSK offered temporary living expenses assistance to protect. This is because the majority of the perpetrators are the victims' fathers; the victims' mothers must become breadwinners so that it is assisted with temporary living costs.

Providing physical protection programs in the form of safe houses for victims of sexual violence, according to the LPSK legal analyst, said that protected people also get health facilities and psychological rehabilitation in the form of strengthening psychological conditions through the clinic provided by LPSK, so that they are protected can undergo legal processes and can continue their lives with better. To maintain security, communication facilities from protected are given and supervised by LPSK. Where various efforts are a form of LPSK's commitment to providing physical protection to protect. The role of LPSK has begun from the start of the criminal justice process, from the investigation stage to the decision stage, even after the court's decision (Julianto, 2020).

B. Legal Challenges to the Implementation of LPSK's Authority in Managing Safe Houses for Victims of Sexual Violence

1. Limited LPSK Representatives in the Regions

The formation of LPSK representatives has been regulated. The Witness and Victim Protection Law, Article 11 paragraph (3), envisions that LPSK has regional representatives according to needs. The urgency of forming LPSK representatives in the regions is due to Indonesia's vast territory and the increasing number of applications received from the areas. Until now, LPSK has only two regional representatives, i.e., North Sumatra and the Special Region of Yogyakarta. It is considered very lacking to be able to provide protection services for witnesses and victims of crime throughout Indonesia. With the minimal number of LPSK representatives in the regions, the safe houses that can be provided by LPSK in handling the protection of victims of sexual violence are also limited. Although the establishment of LPSK representatives has been regulated in the Law on Witness and Victim Protection, the establishment of representatives requires a long and winding process. Currently, LPSK has applied to establish LPSK representatives in 15 provinces, which are expected to receive attention from the government.

LPSK legal analysts said that the delay in establishing the LPSK representative office was partly due to budget problems. In addition to forming a representative office, the budget is the main problem in the LPSK operational process. However, this budget problem does not reduce the protection efforts provided by LPSK. Where in 2022 LPSK implemented three details of national priority outputs, namely the community of people who care about witnesses and victims (friends of witnesses and victims) which are prioritized in 6 regions, namely the Special Region of Yogyakarta, Central Java, Bangka Belitung, East Nusa Tenggara, East Java, and South Sulawesi, then services for fulfilling the

rights of witnesses and victims of sexual violence against women and children, as well as standards for the protection of witnesses and victims of women and children.

LPSK's existence of a representative safe house is crucial. Access to protection will be difficult to fulfill if victims and witnesses cannot find a safe house due to the lack of representative distribution in each region. In the context of safe house management, it needs to be understood that the state has the duty and obligation to fulfill it. Safe houses are not the main factor in victim protection, let alone the only one that protects victims. However, a safe house is a system (Wicaksono, 2019). Representative management will facilitate protection. The number of LPSK representatives in the regions, which are only in two provinces out of a total of 38, shows the weak representation of LPSK.

Specifically for cases of violence against children and women that require special treatment. For example, in cases of domestic violence. For them, the house is one of the most dangerous places. Safe dwellings that are easily accessible provide more opportunities to survive attempted murder and are at risk of experiencing ongoing physical, emotional, and verbal violence. In another study, access to protection for female victims through safe houses must be dissertation awareness to promote gender equality and empowerment and ensure that victims of domestic violence (Azizmohammadi, 2023), to ensure the safety of the victims (Guzik-Makaruk et al., 2024).

In the case of children becoming witnesses, special treatment, for example, when children are interviewed in a forensic context or giving testimony in court, is essential for stakeholders in the legal system to have an accurate understanding of the abilities and needs of children. Therefore, safe houses are a vital place to protect victims and witnesses, especially for those who are vulnerable. P2TP2A cannot reach this stage without coordination with LPSK—

safe houses. LPSK should be able to work together to place and function women and children who experience P2TP2A problems. This means that the lack of representation of safe houses in the regions due to the absence of LPSK in the regions adequately affects the guarantee of protection (Chae et al., 2011).

This cannot be separated from the regulation determining that LPSK in the regions is held based on 'needs.' Unfortunately, until now, LPSK representatives are still less sensitive to the needs of each province, with high rates of violence. Violence data, as of January 2025, shows that the province with the most violence is Banten, followed by East Java and Central Java. This means that the institutional arrangements and their implementation are irrelevant. Evaluation is needed to project LPSK in the regions.

Safe houses are spread across various cities and managed by foundations/private parties. Some of them are even run with inadequate budgets. The obligation to protect victims of violence should be returned to the state as the guarantor of citizens. LPSK has a reasonably large budget for carrying out its duties and authorities. The costs required to implement the management of LPSK Safe Houses are charged to the State Budget, and assistance from other institutions is necessary by the provisions of applicable laws and regulations. The LPSK budget from the State Budget in 2024 is IDR 278,526,225,000. This budget consists of a budget for legal enforcement and service programs of IDR 185,763,327,000 and a budget for management support programs of IDR 92,762,898,000. Although based on the Letter of the Minister of Finance Number S-37/MK.02/2025 LPSK experienced an efficiency of IDR 144,500,000,000. However, still, the management of safe houses that meet the needs and are run according to procedures must be met. This institution will not run optimally and will increase the orientation of more services - for

example, the adoption of the concept of gender-sensitive services when basic things such as representation in the region are not optimally met.

Moreover, considering the regulations of the Juvenile Criminal Justice System and the regulations on the elimination of domestic violence, victims in these cases must feel safe and comfortable. The need for accessible, safe houses should be calculated according to the latest violence data. Providing safe houses in the context of a region that continues to experience changes in the number of cases means that safe houses can be held in the form/type of a mobile nature (moving). This is a typical dynamic, safe house. It can be located anywhere not publicly known and is managed by witness protection officers who always move in specific periods according to the needs of witness security.

Also, the relationship/working mechanism of LPSK representatives in the areas managing safe houses must align with central policy. LPSK is a representative institution in the region. Its working rules are regulated by presidential regulations—delegated by law. LPSK representatives are tasked with providing administrative and substantive support in the regions to institutions in the center, including coordinating and drafting laws and regulations, implementing legal advocacy, and organizing and administering.

2. The Unclear Coordination Between LPSK and Regional Agencies

Government bureaucracy is crucial in providing efficient public services and addressing various issues. The success and quality of a well-functioning bureaucracy are highly dependent on effective human resource management. It is also true for bureaucratic governance at LPSK. The services ensuring the protection of victims of sexual violence are directly influenced by the quality of human resources delivering those services. A lack of resources or failure to meet quality standards can significantly impact the services provided by an institution. Therefore, integrating human resource strategies is essential for

maintaining employee quality in government organizations and supporting positive changes in work culture and the improvement of public services (Murniarti et al., 2023). The government needs to adopt policies and establish regulations to ensure the availability of human resources at LPSK. It is often overlooked because the government creates policies and passes laws but does not engage in the routine implementation and daily administration of these policies (Newton & Deth, 2005).

The increasing number of applications, protection, and increased mandate of LPSK through various laws and regulations is not comparable to the limited number of human resources, which is still centralized in the capital city of Jakarta. Based on the LPSK annual report for 2022, LPSK received additional human resources, consisting of 33 Prospective Civil Servants. Hence, the composition of human resources at the head office and representatives became 383 people, composed of 7 leaders, 30 structural and functional officials, 11 experts, 151 State civil apparatus (98 government employees and 53 members of the police), and 184 non-civil servant government employees consisting of 73 administrative staff, 82 operational staff, and 29 contract staff. However, the work contracts of these employees end in 2023, even though they are trained employees who have handled work at LPSK for years. Therefore, a breakthrough is needed to give government employees work contracts (PPPK) so that human resources development at LPSK can be more sustainable.

Given the volume of cases handled annually, the government must implement effective human resource management. It includes a recruitment strategy through the State Civil Service Agency. Additionally, training and retention efforts should be aligned to support the long-term objectives of government organizations, particularly in delivering high-quality public services that respond to the community's needs. Moreover, employee

protection also strengthens institutions in the context of government bureaucracy (Gibbs, 2020). In the study (Covell, 2011), it is mentioned that human resource management in public administration is a complex and often difficult task because it combines academic fields, management practices, scientific application, and managerial professionalism, all of which are closely linked to legal processes. Filling leadership positions, in particular, involves a political process. In fact, a staffing system in which appointments are based on patronage weakens the efficient provision of services and leads to the unjust implementation of laws and regulations (Rose-Ackerman & Palifka, 2016).

In the research of (Wicaksono, 2019), in East Timor, the problem of safe houses also encompasses the issue of institutional governance that impacts the protection of witnesses and victims. For example, budget constraints, lack of security and comfort due to poor infrastructure, and limited human resources. The lack of human resources affects optimal institutional governance, including allocating human resources at LPSK in the regions. The limited representation of LPSK in the regions results in limited relations with local governments. LPSK is an independent institution responsible to the president and, likewise, for managing safe houses. On the other hand, the Ministry of Women's Empowerment and Child Protection also has a safe house/safe house for victims. This is because the same law - the Law on Witness and Victim Protection, also provides the possibility that protection, in addition to being carried out by LPSK, can be carried out by other institutions.

The follow-up to the safe house is stated in Ministerial Regulation concerning Guidelines for Establishing Regional Technical Implementation Units for the Protection of Women and Children. The attachment concerns facilities, infrastructure, and human resources, including financing for managing safe houses, which come from the Regional Revenue and

Expenditure Budget or other regional financial sources. Many safe houses already exist throughout Indonesia, in Aceh for example there is Rumoh Putroe Aceh which has been established since 2003. P2TP2A formed this institution with its primary duties and functions being to protect and serve women and children who are victims of violence (Abdullah, 2019).

The reason for the suboptimal management of safe houses for victims of violence against women and children is that institutionally, there are no procedures, protocols, or collaboration structures to manage interactions and coordination between institutions. Moreover, two institutions play a role in managing safe houses, namely LPSK and the Regional Technical Implementation Unit (UPTD). On the one hand, LPSK is responsible to the President, but UPTD is accountable to the head of the service, and the head of the service is responsible to the governor; the governor submits to the Minister if the UPTD in the district/city is responsible to the head of the service, the head of the service is accountable to the regent, the regent is responsible to the governor, and so on up. Likewise, financing is also different in that LPSK comes from the State Revenue and Expenditure Budget. In contrast, UPTD comes from the Regional Revenue and Expenditure Budget or other legitimate regional financial sources. Likewise, human resources are different.

IV. CONCLUSIONS

Based on all previous descriptions, it can be concluded that legal protection is a form of service that the government must provide to give a sense of security to its citizens, one of which is to victims of sexual violence. Victims of sexual violence have the right to get safe protection. LPSK is obliged to provide physical protection by providing safe houses. Safe houses also include families of people who are protected, including nuclear families such as fathers,

mothers, and children, but in some cases, it also includes a broader relative. In its running, LPSK has not collaborated with the Regional Office that manages safe houses but has collaborated with several institutions, such as the police. The protected also get various facilities from LPSK while still prioritizing their safety. On the other hand, LPSK is challenging in implementing its authority to manage a safe house. Along with the development of cases and increasing requests for protection handled by LPSK, several challenges need to be answered, including the need to strengthen human resources that handle work in LPSK, the limited LPSK representatives in the regions that cause the difficulty of fulfilling protection throughout Indonesia, and relationships Coordination between LPSK and Regional Office.

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**2. Bukti Konfirmasi Review dan
Hasil Review**
(13 Januari 2025)



[LITIGASI] Editor Decision



Faris F Jodi <adminjurnal@unpas.ac.id>
to me ▾

Jan 13, 2025, 10:00 AM



Ratna Herawati

Manuscript entitled "Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia" which you submitted to Jurnal LITIGASI (e-Journal), has been reviewed. The comments of the reviewers are included at the bottom of this letter. I appreciate your patience with the review process. The reviewers noted strengths in the manuscript, particularly its methods and execution; however, the reviewers also expressed concerns about it. Based on the reviewers' responses, I ask at you revise your manuscript to address their comments in a revision. The reviewers were helpful in detailing ways to think about these issues and adjust the manuscript accordingly, so I encourage you to examine their comments carefully as you revise. It is likely I will send your revised manuscript to these reviewers.

Manuscript URL: <https://journal.unpas.ac.id/index.php/litigasi/authorDashboard/submission/25510>

Username: ratnaherawati

If you have any questions, please contact me. Thank you for considering this journal as a venue for your work.

Faris F Jodi (Associate Editor)

Rd. Hj. Dewi Asri Yustia (Editor-in-Chief)

← Reply

↪ Forward



Reviewer(s)' Comments to Author:

Reviewer: 1

Comments to the Author

No.	CONTENT	REVIEWER'S ASSESSMENT / FEEDBACK
1	Title	The current title sounds too general and descriptive because the term "Regulation" merely indicates the existence of rules without reflecting aspects of implementation or challenges in enforcement. Additionally, the title does not convey the urgency of the research, as it lacks elements such as challenges, effectiveness, or policy gaps. Moreover, the phrase "Managing Representative Safe Houses" is not sufficiently specific. Title suggestions: "Legal Challenges and Policy Effectiveness of the Witness and Victim Protection Agency in Managing Safe Houses in Indonesia"
2	Abstract	The abstract provides a general overview, but lacks clarity in the main findings and policy implications. It would be more effective to include data such as the number of available safe houses versus victims needing protection, and the effectiveness of central-regional coordination.
3a	Introduction	Presents the background well with connections to the rule of law and welfare state. Uses normative and progressive legal theory effectively. However, contains repetition and overly descriptive statistics. Fails to review previous studies that would highlight research novelty. Notes the shift from P2TP2A to UPTD PPA under Ministerial Regulation No. 4 of 2018.
3b	Research Problem	Highlights policy and institutional challenges, but lacks a clearly defined research gap. Needs a stronger contrast with prior literature to show how this study is novel.
3c	Novelty/Originality	Makes an important contribution by bridging legal framework and practical implementation. A comparison with international practices and clearer application to policy reform would strengthen originality.
4	Methodology	States doctrinal method using legislative and conceptual approaches. However, lacks detail on how sources were analyzed. No justification provided for excluding empirical methods or stakeholder interviews.
5	Discussion	Provides comprehensive discussion using credible secondary sources. Explains static vs. mobile safe houses but lacks effectiveness comparison. Highlights coordination issues but would benefit from case studies or real-life examples.
6	Conclusion	Summarizes findings but does not give specific policy recommendations. Needs concrete steps like increasing regional LPSK representatives or improving funding and coordination.

Reviewer: 2

Comments to the Author

No.	CONTENT	REVIEWER'S ASSESSMENT / FEEDBACK
1	Title	You can consider specifying that the focus is on Indonesia to give more geographic context and broaden the article's scope, making it more valuable to foreign readers (e.g., add "...in Indonesia" at the end of the title).
2	Introduction	Consider dividing the introduction into sub-sections for better readability (e.g., <i>Legal Framework</i> , <i>Victim Needs</i> , <i>Existing Services</i>).
3	Methodology	You could expand slightly on how data was analyzed, particularly for readers unfamiliar with legal research. Clarify whether any case studies or interviews were used as supportive evidence—some are cited in the results but not previewed here.
4	Discussion	Consider streamlining some statistical narratives to avoid overwhelming detail—maintain focus on evidence-based analysis. The paragraph on types of safe houses is strong and a major strength of this article; highlight it earlier in the discussion for better flow.
5	Conclusion	The writing effectively summarizes the core issues: lack of LPSK regional representation, inadequate coordination, and HR limitations. However, it would be better to end with a brief recommendation section to clearly signal policy direction. The conclusion could also suggest areas for further research, such as evaluating the performance of existing regional safe houses.
6	Overall	This is a well-researched and timely paper addressing a critical gap in legal protection for sexual violence victims in Indonesia. Its strengths lie in legal analysis, use of supporting data, and policy critique. With minor revisions for clarity and structure, this paper has strong potential for both academic and practical impact.

**3. Bukti Konfirmasi Submit Revisi, Respon
kepada Reviewer, dan Artikel yang
Diresubmit
(30 Januari 2025)**



[LITIGASI] Revision Acknowledgement ➤ Inbox x



Faris F Jodi <adminjournal@unpas.ac.id>
to me ▾

Jan 30, 2025, 09:20 AM ☆ 😊 ↶ ⋮

Ratna Herawati

Revision of manuscript entitled "Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia" has been successfully submitted online and is presently being given full consideration for publication in Jurnal LITIGASI (e-Journal)

Manuscript URL: <https://journal.unpas.ac.id/index.php/litigasi/authorDashboard/submission/22510>

Username: ratnaherawati

If you have any questions, please contact me. Thank you for considering this journal as a venue for your work.

Faris F Jodi (Associate Editor)

Rd. Hj. Dewi Asri Yustia (Editor-in-Chief)

↶ Reply

↷ Forward



RESPONSE TO THE REVIEWERS
Jurnal LITIGASI (e-Journal)

Reviewer: 1

No.	CONTENT	AUTHOR'S RESPONSE
1	Title	Thank you for the insightful suggestion regarding the title. We agree that the previous title was too general. In response, we have revised it to: "Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia." This revised title adds geographic context, reflects the subject of governance, and emphasizes the article's focus on victim protection.
2	Abstract	We appreciate the feedback. The abstract has been revised to clearly present key findings and policy implications. Specifically, we now include data comparing the number of existing safe houses with the number of victims needing protection, and we provide a brief evaluation of coordination between central and regional government institutions.
3a	Introduction	Thank you for your detailed input. We have reduced repetition and restructured the introduction to avoid over-description of statistical data. A section summarizing prior research has been added to demonstrate the novelty of our study and its contribution to the academic discourse. The discussion on P2TP2A and UPTD PPA has been retained as relevant contextual information.
3b	Research Problem	We acknowledge this important point. The research problem has now been refined to explicitly state the gap in existing literature, focusing on the lack of analysis concerning LPSK's regional limitations and institutional coordination. This helps to clarify how our study offers a unique and necessary addition to the field of victim protection law and policy.
3c	Novelty/Originality	Thank you for recognizing the contribution of the study. To enhance originality, we have added references to international practices in victim protection (e.g., comparative notes with similar institutions abroad) and included a brief discussion on how lessons from this study can inform national legal reform efforts in Indonesia.
4	Methodology	We have revised the methodology section to explain in greater detail how the legal sources were examined, primarily through legislative interpretation and comparative content analysis. Additionally, we have clarified the rationale for choosing a doctrinal method, while acknowledging the potential value of empirical approaches for future research.
5	Discussion	Thank you for the suggestions. We have streamlined statistical narratives to avoid excessive detail and added greater emphasis on the strengths and weaknesses of static versus mobile safe houses. While our data is mostly normative, we have integrated brief illustrations based on documented cases to provide practical insight into coordination challenges.
6	Conclusion	In response to your suggestion, we have enriched the conclusion with specific policy recommendations. These include increasing the number of LPSK representatives in regional areas, enhancing inter-agency coordination, and improving funding mechanisms. We also suggest potential directions for future research, such as evaluating the effectiveness of existing safe houses.

Reviewer: 2

No.	CONTENT	AUTHOR'S RESPONSE
1	Title	Thank you for the valuable input. We agree that emphasizing the geographic context enhances the relevance for broader audiences. We have revised the title to: " Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia ", which maintains clarity and introduces both the agency's role and regional focus.
2	Introduction	We appreciate the suggestion to improve readability. In response, we have divided the introduction into clearer sub-sections: <i>Legal Framework</i> , <i>Victim Needs</i> , and <i>Existing Services</i> . This restructuring aims to help readers better follow the narrative and logic of the research background.
3	Methodology	Thank you for the recommendation. We have expanded the methodology section to clarify how legal sources were analyzed, with an emphasis on doctrinal interpretation and legislative analysis. While no interviews or empirical data were used, we now explicitly state that the analysis includes a review of case examples mentioned in secondary sources to strengthen the discussion.
4	Discussion	We agree that streamlining statistical presentation improves focus. Accordingly, we have revised this section to prioritize key statistics and eliminate redundancy. We have also moved the paragraph discussing the types of safe houses earlier in the section, highlighting it as one of the central findings and strengths of the article.
5	Conclusion	We acknowledge the suggestion and have added a concise policy recommendation section at the end of the conclusion. In addition, we now include a suggestion for future research—specifically, the need to assess the performance and capacity of existing regional safe houses, which aligns with the study's focus on implementation gaps.
6	Overall	We sincerely thank the reviewer for the encouraging feedback. We have implemented the suggested revisions to improve clarity, structure, and accessibility. We hope the updated version better supports both academic understanding and policy relevance regarding victim protection efforts in Indonesia.

Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia

ABSTRACT

The state is obliged to protect victims of sexual violence, especially those who are most vulnerable, and this obligation is also a fundamental right of victims. One of these rights is access to temporary housing, often called a safe house, provided by LPSK. However, the governance of safe house management in the regions is not optimal, especially in the relationship between institutions at the center and regions and the representation of institutions in the regions, so it is not optimal in guaranteeing victims' rights. The urgency of this study is to analyze the LPSK policy in managing safe houses throughout Indonesia, the various challenges of institutional relations, and the distribution of representative safe houses in the regions. This study uses doctrinal research with analytical-descriptive specifications and utilizes secondary data. The legislative approach is used to examine laws and regulations on protecting victims of violence and developing LPSK institutions. The conceptual approach analyzes the concept and theory of state institutions, authority, and victim protection. This study shows that legal protection for victims of sexual violence to fulfill the right to a safe house by LPSK does not yet have integrated cooperation with the regional office managing the safe house. Cooperation is actually carried out with other institutions. The implementation of LPSK protection for victims of sexual violence has experienced institutional problems that have affected the formation of LPSK representatives at the regional level and coordination between regional institutions, which is exacerbated by the lack of quantity and quality of human resources available.

Keywords: House; Protection; Safe; Witness; Victim.

I. INTRODUCTION

The rule of law is a state philosophy or state ideal (*staatsidee*) (Juanda & Juanda, 2023). According to Plato, a state of law is characterized by good governance. The meaning of the rule of law is related to the theory of the sovereignty of law, that the law holds the highest power (Handoyo, 2009). The objectives of Indonesian law cannot be separated from the values and philosophy of life of Pancasila, which are the basis of people's lives and lead to justice (Sidharta, 2000). The justice in question is substantive justice as contained in progressive law. Progressive law argues that laws and institutions must achieve substantive justice; regardless of how effective and orderly the law is, it must be changed or eliminated if it is unjust.

Therefore, the law must contain the value of justice for everyone. Indonesia adheres to the concept of a welfare state, which is known as a welfare state (Elviandri, 2019) (Sumarto, 2017). This means that the state is responsible for guaranteeing and maintaining its citizens' welfare (Sukmana, 2017). One way to achieve this goal is to accommodate the content of human rights in the 1945 Constitution of the Republic of Indonesia. Human Rights Law also states the guarantee of human rights. In that regulation, the rights protected relate to the right to life, the right to obtain justice, the right to security, the right to welfare, women's rights, and other rights (Lima & Gomez, 2020). Legal protection is stipulated in writing or unwritten, preventive (prevention) or repressive (coercion), so there is a guarantee from the state to the legal subject to enforce the law (Rofingi et al., 2022).

The rights of victims of sexual violence are one of the fulfillment of rights that must be guaranteed by the government. Sexual violence is an act of harassing the body and even a person's reproductive function so that the victim suffers psychologically and physically due to the imbalance of power relations and/or gender (Yudha et al., 2018). Currently, the regulation concerning sexual violence in Indonesia is the Sexual Violence Crime Act. (Nursiti et al., 2023). The authority to protect victims of sexual violence lies with the Witness and Victim Protection Agency (LPSK). The establishment of LPSK is based on the Protection of Witnesses and Victims Law, amended in 2014. Concretely, in society, the rights of victims of sexual violence that need to be realized are to obtain temporary housing. Safe houses are temporary shelters for victims of violence, threats, or risky situations, which are called safe houses. A safe house is a temporary or new residence that is kept secret according to the standards determined by LPSK. Safe houses can be used as new homes for victims because

it is not uncommon for victims and witnesses to receive threats and feel unsafe so that they do not have a safe place to live.

Violence against women is caused by male superiority over women based on a value system. Based on existing facts, victims of sexual violence are dominated by women compared to men. This is based on data from the Ministry of Women's Empowerment. During 2022, there were 27,589 cases of violence, consisting of 4,634 male victims and 25,050 female victims. The types of violence experienced by victims include physical violence in as many as 9,545 cases, psychological violence in 9,021 cases, and sexual violence in as many as 11,682 cases. Therefore, sexual violence is a crime that must be addressed immediately through prevention and handling as a concrete step to fulfill the rights of victims. Most victims of sexual violence are reluctant to report because of fear and the emergence of negative labels obtained if the perpetrator is a close family member of the victim. In addition to this, the deputy chair of the National Commission on Violence Against Women said that victims of sexual violence do not report because of access from related service institutions. Obstacles regarding access to services include long distances, institutional changes, technical errors, and imperfect data collection patterns (Noviani et al., 2018). Thus, to fulfill the rights of victims of sexual violence, the state needs to build a law that sides with the victims.

Sexual violence has an impact on the physical and psychological health of its victims, causing posttraumatic stress disorder, depression, anxiety, and others to the victims. Victim needs refer to the various forms of support and protection that victims require to recover from the physical, psychological, social, and economic impacts of the harm they have suffered. In the context of sexual violence, victim needs encompass immediate physical and psychological

health services, such as treatment for post-traumatic stress disorder (PTSD), depression, and anxiety (Fayaz, 2024).

Victims require access to social support networks, including family, community, counseling, and spiritual services, as well as economic assistance due to the impact of trauma on their ability to work and the costs of recovery. Long-term needs include education, legal aid, protection services, and avenues for justice and restitution. (Conti et al., 2021) indicates that individuals who survive victimization often experience lower levels of educational attainment and a higher likelihood of involvement with the legal and justice systems later in life. On the other hand, the law in Indonesia has not been able to accommodate the interests of victims because the Criminal Code and various other legal regulations have not been able to fulfill the rights of victims holistically.

In fact, the state as a protector must be able to facilitate victims of violence, one of which is in the form of a safe house (Hidayat & Liauw, 2021). The existence of safe houses can be used as a means of shelter for vulnerable groups such as women and children who are victims of crime (Ashady & Hasan, 2021). Therefore, safe houses are significant. Safe houses are adjusted based on the criteria of the high threat received by the victim. This is stated in Article 5, paragraph (1) letter k of the Witness and Victim Protection Act. To obtain protection in a safe house, the victim must apply LPSK (Satrio & Faisal, 2021). However, in its implementation, LPSK has difficulty reaching areas quite far from the center. LPSK's limitations in providing safe house services are partly due to the hampered establishment of LPSK representative offices in the regions. This affects the overall protection service, especially safe house access, because service access is unavailable in all areas.

On the other hand, safe houses in the regions are carried out by the Integrated Service Center for the Empowerment of Women and Children (P2TP2A), based on the Regulation of the Minister of Women's Empowerment and Child Protection concerning the System of Women's Empowerment and Child Protection. P2TP2A is under the regional work unit or other units that handle women's empowerment and child protection. P2TP2A is a Ministry of Women's Empowerment and Child Protection program. The presence of P2TP2A is to meet the needs in the fields of education, economy, health, politics, law, protection, and overcoming violence against women and children.

In terms of authority, in cases of violence against women and children, P2TP2A can coordinate with LPSK to provide additional protection for victims involved in the legal process or those who need further protection. However, the two institutions have different authority specifications. P2TP2A only focuses on the protection of children and women. While LPSK has broader authority for victims and witnesses, it is not limited to protecting children and women. Moreover, P2TP2A does not explicitly handle victims and witnesses of legal cases. Therefore, the existence of P2TP2A in the regions cannot solve the problem of LPSK representation. The lack of institutional representation in the regions affects the quality of easy and efficient services. Likewise, regarding resources in the institution, the number of human resources serving is not as high as if each region had its representatives.

Considering the institutional problems above, this study is essential to determine the weaknesses of LPSK governance arrangements and its implementation challenges. This study provides an overview for improving LPSK governance in guaranteeing witnesses and victims, especially in this study for children and women. This is because legal protection is a right that the state must easily access. Victims in the context of sexual violence cases can

experience physical impacts and mental trauma. Meanwhile, witnesses play an essential role in providing and revealing facts that can be used as evidence to support investigations and prove cases (Damendra et al., 2024). Both require maximum protection by the institution. LPSK not only provides procedural rights but strives to provide optimal services to those protected or recipients of LPSK services so they are willing to testify during the trial process. Being involved in cases of violence, either as victims or witnesses, causes trauma for themselves and their families (Berdida & Grande, 2025).

This study distinguishes itself from previous research by the findings of a review of several studies that closely resemble this one. The author can compare several studies with this study. Some of these studies include research conducted by (Komariah, 2015), which discusses the mechanism of witness and victim protection and the performance of LPSK itself. Another research was conducted by (Roslaili & T., 2022), which discusses the existence of a safe house from the viewpoint of *maqasid al-shariah*, specifically as an aspect of *dharuriyyah*, which holds significant importance in Islam. Moreover, the research conducted by (Soares & Setyawan, 2023) examined that sexual harassment cannot be prosecuted because the law in Indonesia is not perfect.

The increase in cases of sexual violence against children and women is increasing. Data from the Ministry of Women's Empowerment and Child Protection states that in 2024, sexual violence against children reached 7,623 cases. Meanwhile, records as of 2025 showed that there were 2,459 cases of female victims. This is not comparable to the representation of LPSK—safe houses in the regions. As a result, witness and victim protection is not provided properly. Thus, the representation of LPSK in the regions and the clarity of its institutional relationships are serious problems.

This study discusses the regulation of LPSK in providing protection and managing safe houses, considering the large number of victims, especially victims of sexual violence, who do not get a safe shelter from various threats and other dangerous possibilities. Based on these multiple things, it is necessary to study the policies provided by LPSK regarding the management of safe houses in Indonesia and the obstacles in implementing LPSK's authority in managing these safe houses.

II. RESEARCH METHODS

This doctrinal research seeks library materials through laws and regulations and literature (Mamudji, 2001) pertaining to the policies of the Witness and Victim Protection Agency (LPSK) in managing safe houses in Indonesia. Particular emphasis is placed on examining the institutional relationships between central and regional governments in the context of LPSK management. This study employs a statutory approach to analyze legal issues at the regulatory level. Additionally, a conceptual approach is utilized to identify effective institutional models that can address the various challenges related to the structure and operation of the LPSK (Marzuki, 2012).

The research data used are secondary data consisting of primary legal materials, including the 1945 Constitution of the Republic of Indonesia; Human Rights Law; Law on the Protection of Witnesses and Victims; Sexual Violence Crimes; and Ministerial Regulations on the Women's Empowerment System and Child Protection. These legal materials are supported by secondary legal materials in the form of books, journals, and other scientific studies related to LPSK's authority in implementing safe house management. Relevant data and cases of protection of victims of violence are also presented in this study as

supporting data, stating that this study is urgently needed to resolve institutional issues in LPSK.

This study uses analytical descriptive specifications to provide an overview of the implementation of provisions of laws and regulations based on applicable legal requirements so that analysis can be carried out in the decision-making process (Chui & McConville, 2017). Quantitative data are analyzed through basic data interpretation techniques. The quantitative data utilized in this study are secondary sources, which are processed to more effectively identify relationships between the data and their associated impacts. To conclude, this study will use deductive logic.

III. RESEARCH RESULTS AND ANALYSIS

A. LPSK Policy in Managing Safe Houses Enfolded All Regions

According to data from the National Commission on Violence Against Women, its 15 years of monitoring (1998–2013) identified fifteen types of sexual violence. These include rape, sexual intimidation (such as threats or attempted rape), sexual harassment, sexual exploitation, trafficking of women for sexual purposes, forced prostitution, sexual slavery, forced marriage (including practices like divorce by hanging), forced pregnancy, forced abortion, forced contraception and sterilization, sexual torture, inhumane or sexually charged punishments, harmful traditional practices with sexual elements that put women at risk or discriminate against them, and sexual control (including through discriminatory moral and religious rules). Therefore, sexual violence in Indonesia is currently very concerning. Sexual violence has even entered public spaces, one of which is school and workplace (Nurbayani et al., 2022).

The increasing cases of sexual violence crimes and the importance of protecting human rights in society are among the reasons for the issuance of the Witness and Victim Protection Act. This regulation regulates the LPSK, which

is independent and functions to protect witnesses and victims. The duties and authorities of the LPSK are spread out in the Witness and Victim Protection Act, which is regulated in Articles 7, 29, 32, 33, 34, and 39. The authority of the LPSK includes receiving, providing, and stopping witness and/or victim protection programs, even submitting to court based on the wishes of the victim, and in addition, receiving requests for assistance from victims/representatives and determining the amount of costs. The LPSK also cooperates with relevant agencies that have the authority to implement the provision of protection and assistance (Rosidi et al., 2023).

Prior to the Witness and Victim Protection Act, there were no specific regulations governing the protection of witnesses and victims within the criminal justice process. Articles 50 to 68 of the Criminal Procedure Code only addressed protection for suspects or defendants against potential human rights violations. The protection of sexual violence victims must now be based on the Witness and Victim Protection Act, which emphasizes respect for dignity, security, justice, non-discrimination, and legal certainty—whether the threats affect individuals, groups, or society at large.

The right to feel safe and protected from threats, whether to act or refrain from acting, is guaranteed under Article 28G, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This article ensures that everyone has the right to personal, family, honor, and property protection from any threat. As such, the state is obligated to uphold the rights of victims of sexual violence. Sexual violence has serious consequences for the victim's physical, mental, and psychological well-being. The physical effects may include injuries, sleep and eating difficulties, unwanted pregnancies, sexually transmitted infections, and more. Emotional impacts often involve guilt, self-blame, shame, denial, and other distressing feelings (Sujadi et al., 2023), because sexual violence occurs

when people are subjected to unwanted sexual comments, sexual gestures, or sexual acts (Burn, 2018). It is conceptualized as a discrete of negative sexual experiences whose severity varies, relying on a variety of determinants (Johansson & Magnusson, 2024).

Punishment for perpetrators of sexual violence has been carried out, but efforts to fulfill the rights of victims have not been fully realized. Based on data from the National Commission on Violence Against Women's Annual Report in 2023, the number of cases of sexual violence reported to the National Commission on Violence Against Women was 2,078 cases. This number is 24.69% of the total types of violence reported, namely: psychological violence around 3,498 cases, physical violence as many as 2,081 cases, economic violence there were 762 cases. Meanwhile, based on data from the Ministry of Women and Children as of January 2024, the number of cases of violence against women was 21,828 cases, with 18,934 female victims, of which 10,068 cases were cases of sexual violence.

The data shows the increasing number of cases of sexual violence that occur in society. However, the data cannot provide information on the correlation between the protection offered by the National Commission on Violence Against Women and the protection data provided by the LPSK. Neither are institutions with institutional links. The National Commission on Violence Against Women is an independent state institution that Presidential Regulation established as a national mechanism to eliminate violence against women LPSK. At the same time, LPSK is a non-structural institution established to implement the Protection of Witnesses and Victims Act, providing protection and assistance to witnesses and victims (Fevernova & Firmansyah, 2023).

There are significant differences in the reported figures for sexual violence cases between the National Commission on Violence Against Women and the

Witness and Victim Protection Agency (LPSK). The National Commission recorded approximately 10,000 cases across various types of protection services. In comparison, LPSK data show an increase of 793 sexual violence cases reported in 2022 compared to 2021. In 2023, LPSK protected a total of 8,162 victims, with 1,114 cases involving sexual violence; 489 of these cases were carried over from 2022.

However, this data requires critical examination. According to the 2023 LPSK Report, only 214 applications for sexual violence protection were recorded, yet 625 individuals were listed as protected in 2023 (excluding cases carried over from the previous year). This suggests that around 400 cases were not registered through the application process but still appeared in the protection data. Meanwhile, for child sexual violence cases, there were 973 applications, but only 56 cases were protected.

LPSK, as a non-structural institution mandated by law to serve as the focal point for providing protection to witnesses and victims, must be able to create conditions in which witnesses and victims genuinely feel protected and are able to disclose cases within the criminal justice process. LPSK is authorized to offer various forms of protection to victims, which can be implemented through the use of safe houses. According to LPSK data, the victims under protection have received services with the following details:

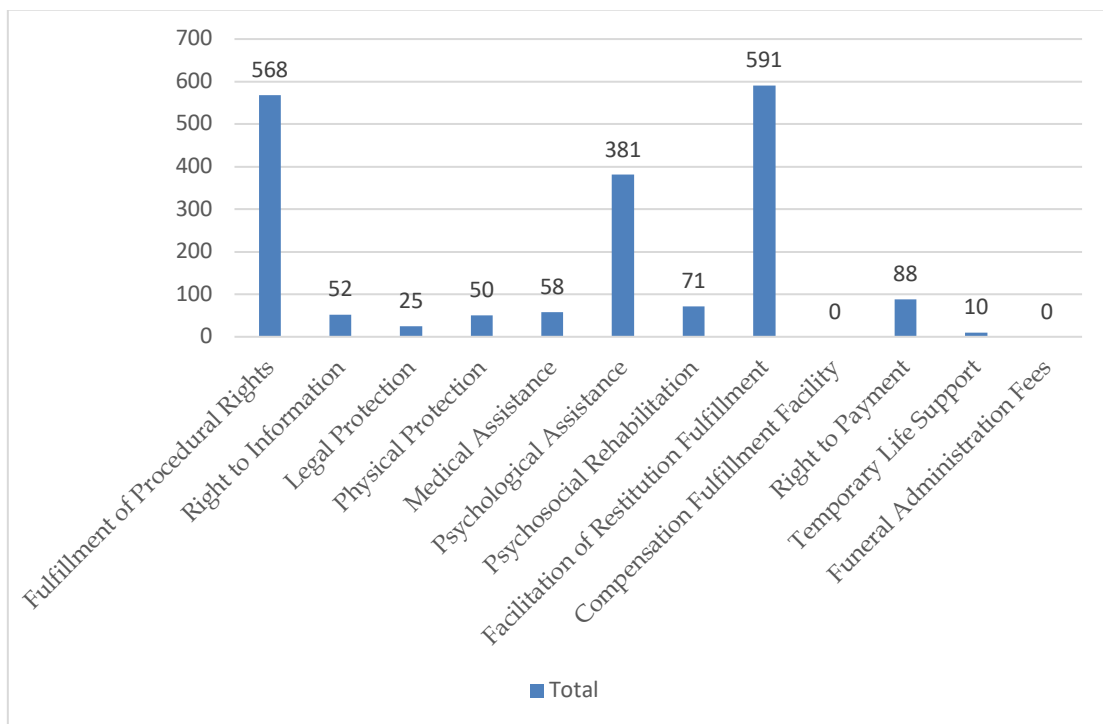


Chart 1. Protection Program in Criminal Acts of Sexual Violence in 2023

The chart illustrates the range of protection services provided by LPSK across different categories. The most frequently delivered services were the Compensation Fulfillment Facility (591 cases) and the Fulfillment of Procedural Rights (568 cases), demonstrating LPSK's strong commitment to ensuring victims' access to compensation and their procedural entitlements within the legal system. Psychosocial Rehabilitation ranked as the third most common service, with 381 cases, highlighting the agency's focus on supporting victims' psychological recovery. In contrast, services such as Psychological Assistance (58 cases) and Medical Assistance (50 cases) were provided less often, indicating a potential shortfall in direct health-related support.

Legal Protection (25 cases) and Physical Protection (50 cases) were among the least utilized services, which may suggest either a lower demand or challenges in the provision of legal and physical safety measures. Notably, no cases were recorded under the categories of Right to Payment and Funeral Administration Fees, suggesting either a lack of demand for these services or

possible systemic obstacles to accessing them. In addition, Temporary Life Support was provided in 88 cases, reflecting LPSK's efforts to address urgent needs among victims requiring immediate assistance.

This shows that the state's efforts to fulfill the rights of victims, whether in the form of protection, advancement, enforcement, and fulfillment of human rights, have not been maximized, including protection for victims of sexual violence. One form of protection for victims of sexual violence is to obtain a safe place. Safe houses are often used in law enforcement and security so that someone who does not want to be known by certain parties or is in a dangerous situation/state is hidden in a safe location/place (Roslaili & T., 2022). Safe houses ensure that witnesses and reporters are not intimidated when giving testimony (Ratri & Wahyudi, 2024).

LPSK should provide physical protection by providing safe houses for victims of sexual violence. There are two types of safe houses based on their operational location. These types are first, permanent safe houses (static so that they remain in one particular area), which are managed by the witness and victim protection program and occupy a permanent/settled location in one place; second, mobile safe houses (moving), which can be located anywhere that is not generally known, which are managed by witness and victim protection officers who always move within a certain period according to the security needs of witnesses and victims (Rahmi & Siregar, 2020).

The provisions related to safe houses are regulated in Article 5, paragraph (1) letter k of the Witness and Victim Protection Act, which states that witnesses and victims have the right to receive temporary housing (safe houses). Safe houses are more selective due to the particular form of protection operations. Therefore, safe houses are used for critical witnesses or victims who certain parties, including the family of the protected person, seriously threaten. The

location of the safe house is kept secret for the safety of the protected person. The LPSK's authority to manage safe houses, in its implementation, has not yet had any cooperation with the safe house management service in the region, which in cases of sexual violence is the women's and children's empowerment service. LPSK has collaborated only with related agencies such as the police so far. The existence of LPSK safe houses is said in its form, and then the implementation of its protection, procedures, and evaluation is complete (Rahmi & Siregar, 2020).

To qualify for protection from the LPSK Safe House under the Witness and Victim Protection Act, witnesses and victims must fulfill specific procedures and requirements. These include criteria related to the testimonies of witnesses and/or victims, statements from perpetrators' witnesses, reporters, and experts. As stated in Article 28 of the Witness and Victim Protection Act, the requirements consider the importance of the statements made by the witness and/or victim, the degree of threat they face, evaluations by medical or psychological professionals, and the criminal background of the witness and/or victim.

As for the witness of the perpetrators, it is regulated in Article 28 paragraph (2): The criminal offense to be revealed is a criminal offense in a particular case by the LPSK decision as referred to in Article 5 paragraph (2); the importance of the information given by the witness of the perpetrators in uncovering a crime; not as the leading actor in the crime he revealed; willingness to return assets obtained from criminal offenses committed and stated in a written statement; and there is a real threat or concern about the occurrence of threats, physical or psychological pressure to witnesses of the perpetrators or their families if the crime is revealed according to the actual situation. The reporter or expert is also given protection based on Article 28

paragraph (3) with the condition: the importance of the reporter and expert information and the level of threat that endangers reporters and experts.

Witnesses and victims who have fulfilled the requirements can obtain protection with the procedures stipulated in Article 29. The protection mechanism starts from the LPSK decisions that have been issued. Furthermore, the protected people are required to sign the agreement made by the LPSK and must obey all forms of the rules that have been signed. The contract and requirements that must be signed contain several things, when giving testimony in the judicial process; willing to obey the rules for his safety, not related to any with others during the protection of LPSK; did not tell anyone that he was under the protection of LPSK; and other things that are considered necessary by LPSK.

LPSK also has an emergency protection mechanism, a form of protection immediately given after the application, based on Article 8 paragraph (1) amendments to the Witness and Victim Protection Act. For example, in 2022, LPSK provided emergency protection to 43 witnesses and victims due to cases of sexual violence against children. In addition, the same year, LPSK offered temporary living expenses assistance to protect. This is because the majority of the perpetrators are the victims' fathers; the victims' mothers must become breadwinners so that it is assisted with temporary living costs.

Providing physical protection programs in the form of safe houses for victims of sexual violence, according to the LPSK legal analyst, said that protected people also get health facilities and psychological rehabilitation in the form of strengthening psychological conditions through the clinic provided by LPSK, so that they are protected can undergo legal processes and can continue their lives with better. To maintain security, communication facilities from protected are given and supervised by LPSK. Where various efforts are a form

of LPSK's commitment to providing physical protection to protect. The role of LPSK has begun from the start of the criminal justice process, from the investigation stage to the decision stage, even after the court's decision (Julianto, 2020).

B. Legal Challenges to the Implementation of LPSK's Authority in Managing Safe Houses for Victims of Sexual Violence

1. Limited LPSK Representatives in the Regions

The formation of LPSK representatives has been regulated. The Witness and Victim Protection Law, Article 11 paragraph (3), envisions that LPSK has regional representatives according to needs. The urgency of forming LPSK representatives in the regions is due to Indonesia's vast territory and the increasing number of applications received from the areas. Until now, LPSK has only two regional representatives, i.e., North Sumatra and the Special Region of Yogyakarta. It is considered very lacking to be able to provide protection services for witnesses and victims of crime throughout Indonesia. With the minimal number of LPSK representatives in the regions, the safe houses that can be provided by LPSK in handling the protection of victims of sexual violence are also limited. Although the establishment of LPSK representatives has been regulated in the Law on Witness and Victim Protection, the establishment of representatives requires a long and winding process. Currently, LPSK has applied to establish LPSK representatives in 15 provinces, which are expected to receive attention from the government.

LPSK legal analysts said that the delay in establishing the LPSK representative office was partly due to budget problems. In addition to forming a representative office, the budget is the main problem in the LPSK operational process. However, this budget problem does not reduce the protection efforts provided by LPSK. Where in 2022 LPSK implemented three details of national

priority outputs, namely the community of people who care about witnesses and victims (friends of witnesses and victims) which are prioritized in 6 regions, namely the Special Region of Yogyakarta, Central Java, Bangka Belitung, East Nusa Tenggara, East Java, and South Sulawesi, then services for fulfilling the rights of witnesses and victims of sexual violence against women and children, as well as standards for the protection of witnesses and victims of women and children.

LPSK's existence of a representative safe house is crucial. Access to protection will be difficult to fulfill if victims and witnesses cannot find a safe house due to the lack of representative distribution in each region. In the context of safe house management, it needs to be understood that the state has the duty and obligation to fulfill it. Safe houses are not the main factor in victim protection, let alone the only one that protects victims. However, a safe house is a system (Wicaksono, 2019). Representative management will facilitate protection. The number of LPSK representatives in the regions, which are only in two provinces out of a total of 38, shows the weak representation of LPSK.

Specifically for cases of violence against children and women that require special treatment. For example, in cases of domestic violence. For them, the house is one of the most dangerous places. Safe dwellings that are easily accessible provide more opportunities to survive attempted murder and are at risk of experiencing ongoing physical, emotional, and verbal violence. In another study, access to protection for female victims through safe houses must be dissertation awareness to promote gender equality and empowerment and ensure that victims of domestic violence (Azizmohammadi, 2023), to ensure the safety of the victims (Guzik-Makaruk et al., 2024).

In the case of children becoming witnesses, special treatment, for example, when children are interviewed in a forensic context or giving testimony in

court, is essential for stakeholders in the legal system to have an accurate understanding of the abilities and needs of children. Therefore, safe houses are a vital place to protect victims and witnesses, especially for those who are vulnerable. P2TP2A cannot reach this stage without coordination with LPSK—safe houses. LPSK should be able to work together to place and function women and children who experience P2TP2A problems. This means that the lack of representation of safe houses in the regions due to the absence of LPSK in the regions adequately affects the guarantee of protection (Chae et al., 2011).

This cannot be separated from the regulation determining that LPSK in the regions is held based on 'needs.' Unfortunately, until now, LPSK representatives are still less sensitive to the needs of each province, with high rates of violence. Violence data, as of January 2025, shows that the province with the most violence is Banten, followed by East Java and Central Java. This means that the institutional arrangements and their implementation are irrelevant. Evaluation is needed to project LPSK in the regions.

Safe houses are spread across various cities and managed by foundations/private parties. Some of them are even run with inadequate budgets. The obligation to protect victims of violence should be returned to the state as the guarantor of citizens. LPSK has a reasonably large budget for carrying out its duties and authorities. The costs required to implement the management of LPSK Safe Houses are charged to the State Budget, and assistance from other institutions is necessary by the provisions of applicable laws and regulations. The LPSK budget from the State Budget in 2024 is IDR 278,526,225,000. This budget consists of a budget for legal enforcement and service programs of IDR 185,763,327,000 and a budget for management support programs of IDR 92,762,898,000. Although based on the Letter of the Minister of Finance Number S-37/MK.02/2025 LPSK experienced an efficiency of IDR

144,500,000,000. However, still, the management of safe houses that meet the needs and are run according to procedures must be met. This institution will not run optimally and will increase the orientation of more services - for example, the adoption of the concept of gender-sensitive services when basic things such as representation in the region are not optimally met.

Moreover, considering the regulations of the Juvenile Criminal Justice System and the regulations on the elimination of domestic violence, victims in these cases must feel safe and comfortable. The need for accessible, safe houses should be calculated according to the latest violence data. Providing safe houses in the context of a region that continues to experience changes in the number of cases means that safe houses can be held in the form/type of a mobile nature (moving). This is a typical dynamic, safe house. It can be located anywhere not publicly known and is managed by witness protection officers who always move in specific periods according to the needs of witness security.

Also, the relationship/working mechanism of LPSK representatives in the areas managing safe houses must align with central policy. LPSK is a representative institution in the region. Its working rules are regulated by presidential regulations—delegated by law. LPSK representatives are tasked with providing administrative and substantive support in the regions to institutions in the center, including coordinating and drafting laws and regulations, implementing legal advocacy, and organizing and administering.

2. The Unclear Coordination Between LPSK and Regional Agencies

Government bureaucracy is crucial in providing efficient public services and addressing various issues. The success and quality of a well-functioning bureaucracy are highly dependent on effective human resource management. It is also true for bureaucratic governance at LPSK. The services ensuring the protection of victims of sexual violence are directly influenced by the quality of

human resources delivering those services. A lack of resources or failure to meet quality standards can significantly impact the services provided by an institution. Therefore, integrating human resource strategies is essential for maintaining employee quality in government organizations and supporting positive changes in work culture and the improvement of public services (Murniarti et al., 2023). The government needs to adopt policies and establish regulations to ensure the availability of human resources at LPSK. It is often overlooked because the government creates policies and passes laws but does not engage in the routine implementation and daily administration of these policies (Newton & Deth, 2005).

The increasing number of applications, protection, and increased mandate of LPSK through various laws and regulations is not comparable to the limited number of human resources, which is still centralized in the capital city of Jakarta. Based on the LPSK annual report for 2022, LPSK received additional human resources, consisting of 33 Prospective Civil Servants. Hence, the composition of human resources at the head office and representatives became 383 people, composed of 7 leaders, 30 structural and functional officials, 11 experts, 151 State civil apparatus (98 government employees and 53 members of the police), and 184 non-civil servant government employees consisting of 73 administrative staff, 82 operational staff, and 29 contract staff. However, the work contracts of these employees end in 2023, even though they are trained employees who have handled work at LPSK for years. Therefore, a breakthrough is needed to give government employees work contracts (PPPK) so that human resources development at LPSK can be more sustainable.

Given the volume of cases handled annually, the government must implement effective human resource management. It includes a recruitment strategy through the State Civil Service Agency. Additionally, training and

retention efforts should be aligned to support the long-term objectives of government organizations, particularly in delivering high-quality public services that respond to the community's needs. Moreover, employee protection also strengthens institutions in the context of government bureaucracy (Gibbs, 2020). In the study (Covell, 2011), it is mentioned that human resource management in public administration is a complex and often difficult task because it combines academic fields, management practices, scientific application, and managerial professionalism, all of which are closely linked to legal processes. Filling leadership positions, in particular, involves a political process. In fact, a staffing system in which appointments are based on patronage weakens the efficient provision of services and leads to the unjust implementation of laws and regulations (Rose-Ackerman & Palifka, 2016).

In the research of (Wicaksono, 2019), in East Timor, the problem of safe houses also encompasses the issue of institutional governance that impacts the protection of witnesses and victims. For example, budget constraints, lack of security and comfort due to poor infrastructure, and limited human resources. The lack of human resources affects optimal institutional governance, including allocating human resources at LPSK in the regions. The limited representation of LPSK in the regions results in limited relations with local governments. LPSK is an independent institution responsible to the president and, likewise, for managing safe houses. On the other hand, the Ministry of Women's Empowerment and Child Protection also has a safe house/safe house for victims. This is because the same law - the Law on Witness and Victim Protection, also provides the possibility that protection, in addition to being carried out by LPSK, can be carried out by other institutions.

The follow-up to the safe house is stated in Ministerial Regulation concerning Guidelines for Establishing Regional Technical Implementation

Units for the Protection of Women and Children. The attachment concerns facilities, infrastructure, and human resources, including financing for managing safe houses, which come from the Regional Revenue and Expenditure Budget or other regional financial sources. Many safe houses already exist throughout Indonesia, in Aceh for example there is Rumoh Putroe Aceh which has been established since 2003. P2TP2A formed this institution with its primary duties and functions being to protect and serve women and children who are victims of violence (Abdullah, 2019).

The reason for the suboptimal management of safe houses for victims of violence against women and children is that institutionally, there are no procedures, protocols, or collaboration structures to manage interactions and coordination between institutions. Moreover, two institutions play a role in managing safe houses, namely LPSK and the Regional Technical Implementation Unit (UPTD). On the one hand, LPSK is responsible to the President, but UPTD is accountable to the head of the service, and the head of the service is responsible to the governor; the governor submits to the Minister if the UPTD in the district/city is responsible to the head of the service, the head of the service is accountable to the regent, the regent is responsible to the governor, and so on up. Likewise, financing is also different in that LPSK comes from the State Revenue and Expenditure Budget. In contrast, UPTD comes from the Regional Revenue and Expenditure Budget or other legitimate regional financial sources. Likewise, human resources are different.

IV. CONCLUSIONS

Based on the preceding analysis, it can be concluded that legal protection is a fundamental service that the government must provide to ensure the security of its citizens, including victims of sexual violence. Victims of sexual

violence are entitled to secure protection. In accordance with its mandate, LPSK is responsible for offering physical protection through the provision of safe houses. Beneficiaries receive various services from LPSK, with their safety remaining the primary concern. However, LPSK has not yet established formal cooperation with regional offices responsible for managing safe houses, though it has collaborated with several institutions, such as the police.

Nevertheless, LPSK faces significant challenges in exercising its authority to manage safe houses. As the number of cases and requests for protection continues to rise, several issues have emerged. These include the need to strengthen the agency's human resources, the limited number of LPSK representatives across regions, which hampers the ability to provide comprehensive protection nationwide, and the lack of structured coordination between LPSK and regional offices. Therefore, this study recommends that the government strategically map the establishment of representative offices in regions, using the number of violence cases per province as a key indicator. Furthermore, coordination between LPSK and regional offices should be formalized through legal instruments to ensure standardized and effective management of safe houses.

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4. Bukti Konfirmasi Artikel Accepted (27 Maret 2025)

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Faris F Jodi <adminjurnal@unpas.ac.id>

to me ▼

Mar 27, 2025, 11:00 AM



Ratna Herawati

I have now carefully read the revised manuscript. After reviewing these materials, I noted that you addressed all issues raised in review. Thus, it is a pleasure to accept your manuscript entitled "Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia" in its current form for publication Vol. 26 No. 1 (2025) in Jurnal LITIGASI (e-Journal).

Manuscript URL: <https://journal.unpas.ac.id/index.php/litigasi/authorDashboard/submission/22510>

Username: ratnaherawati

Thank you for your fine contribution. On behalf of the Editors of Jurnal LITIGASI (e-Journal), we look forward to your continued contributions to the journal.

Faris F Jodi (Associate Editor)

Rd. Hj. Dewi Asri Yustia (Editor-in-Chief)

↩ Reply

➡ Forward



5. Bukti Konfirmasi Artikel Published Online
(30 April 2025)

[LITIGASI] Your article is now published online ▶️ Inbox x



Faris F Jodi <adminjurnal@unpas.ac.id>

to me ▾

Apr 30, 2025, 09:00 AM



Ratna Herawati

Thank you for publishing your article with Jurnal LITIGASI (e-Journal). Your article entitled "Regulating the Witness and Victim Protection Agency: Managing Safe Houses for Victims in Indonesia" is now published online.

If you wish to post your article on your personal website or institutional repository, you may use the accepted version. The permanent link for your article is: <https://doi.org/10.23969/litigasi.v26i1.22510>

Thank you for your fine contribution. On behalf of the Editors of Jurnal LITIGASI (e-Journal), we look forward to your continued contributions to the journal.

Faris F Jodi (Associate Editor)

Rd. Hj. Dewi Asri Yustia (Editor-in-Chief)

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